

In the Matter Of:

GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.

DEPOSITION OF
ROBERT MICHAEL JOLLEY

September 26, 2017



1201 West Peachtree Street
Suite 2300
Atlanta, GA 30309
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GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.
ROBERT MICHAEL JOLLEY on 09/26/2017

DEPOSITION OF

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

GREG DYKSMA and TAMMY DYKSMA, :
as Parents and Natural :
Guardians of Nicholas Dyksma, :
Deceased, and as Personal :
Representatives of the ESTATE : CIVIL ACTION FILE
OF NICHOLAS DYKSMA, : NUMBER:
: 4:17-cv-00041-CDL
Plaintiffs, :
:
versus :
:
DEPUTY TOMMY PIERSON, :
SERGEANT JOE HARMON, :
DEPUTY HEATH DAWSON, :
DEPUTY WILLIAM STURDEVANT, :
and SHERIFF MIKE JOLLEY, :
:
Defendants. :

DEPOSITION OF ROBERT MICHAEL JOLLEY

11:03 a.m.
September 26, 2017

Harris County Community Center
7509 Highway 116
Hamilton, Georgia

Susan DeCarlo, RPR, CCR No. B-2125

GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.
ROBERT MICHAEL JOLLEY on 09/26/2017

DEPOSITION OF
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APPEARANCES:

On Behalf of the Plaintiff, GREG DYKSMA and TAMMY DYKSMA, as Parents and Natural Guardians of Nicholas Dyksma, Deceased, and as Personal Representatives of the ESTATE OF NICHOLAS DYKSMA:

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On Behalf of the Defendants, DEPUTY TOMMY PIERSON, SERGEANT JOE HARMON, DEPUTY HEATH DAWSON, DEPUTY WILLIAM STURDEVANT, and SHERIFF MIKE JOLLEY:

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Also Present: Sergeant Joe Harmon
Deputy Heath Dawson
Deputy William Sturdevant

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(Tuesday, September 26, 2017 11:03 a.m.)

MR. JONES: This will be the deposition of Sheriff Mike Jolley taken by the Plaintiffs for purposes of discovery, cross-examination and all other purposes allowed by law.

The deposition is taken by agreement of counsel and pursuant to notice. All objections will be reserved except for those going to the form of the question or the responsiveness of the answer.

MR. WILLIAMS: That is agreeable.

ROBERT MICHAEL JOLLEY, called as a witness at the instance of the Plaintiffs, being first duly sworn, was examined and deposed as follows:

EXAMINATION

BY MR. JONES:

Q. Okay. Sheriff Jolley, can you tell us your full name for the record, please?

A. My full name is Robert Michael Jolley, but I go by Mike, M-I-K-E, Jolley.

Q. And we are here about an incident that happened a couple of years ago with Nicolas Dyksma dying at a traffic stop. Do you recall

1 that incident?

2 A. Yes, sir, I do.

3 Q. Okay. Do you remember giving an
4 interview about the incident on TV afterwards?

5 A. No, sir.

6 Q. Okay. I was going to play a copy
7 of this video and for some reason it does not
8 want to cooperate -- here we go. I believe this
9 will work. Let's see -- you know, I might be
10 using the wrong jump drive. Let me see here -- I
11 am going to see if I can get this to come up.
12 And while I am working on that let me see if I
13 can refresh your memory a little bit. Do you
14 remember reviewing a video of the incident or
15 more than one video from the patrol cars?

16 A. Yes, sir, I did review the patrol
17 cameras.

18 Q. And do you remember a few days
19 after that some young kid or TV station in
20 Columbus coming to your office and interviewing
21 you about it and you said that you reviewed the
22 video and that you determined that everything was
23 according to policy?

24 A. No, sir, I don't, but I am sure I
25 was interviewed.

1 Q. Okay. Let me see if I can find
2 this thing. You know, I had this all ready to go
3 last time we did this and then we had to
4 reschedule because somebody got sick and I did
5 not -- I did not test drive it again last night,
6 so I guess that is what you get.

7 (Off the record discussion.)

8 BY MR. JONES:

9 Q. Have you reviewed the video of
10 the -- or any video of the incident recently?

11 A. Yes, sir, I have seen the video
12 recently.

13 Q. And I guess now that there has been
14 a lawsuit filed over it, you looked at it more
15 closely than you did before?

16 A. I looked at it pretty close at the
17 time.

18 Q. At the time?

19 A. Yes, sir.

20 Q. If you did make a comment to the
21 news media that you thought that everything on
22 the video had been according to policy, do you --
23 would you still stand by that agreement today?

24 A. Yes, sir.

25 Q. Okay. Do you recall watching the

1 video and seeing a Deputy Tom Pierson put his
2 knee on Nicholas Dyksma's neck? Do you recall
3 seeing that?

4 A. I am not sure if it was his neck or
5 his shoulder, but it was in that area, yes, sir.

6 Q. Was there anything improper about
7 that, in your view?

8 A. No, sir.

9 Q. And is that something that deputies
10 are trained to do? I mean, is that a valid
11 technique that they are trained in?

12 A. I don't think the technique is what
13 you are referring to. I think that the technique
14 is that they are to put them in some type of
15 submission so that they could gain control of the
16 situation.

17 Q. Does your policy allow the deputies
18 to use a method of submission -- of force and
19 submission to cause somebody to die?

20 MR. WILLIAMS: Object to the form.

21 BY MR. JONES:

22 Q. You can answer the question.

23 And I will come back and elaborate
24 and clarify if you need me to.

25 A. One of the use-of-force forms is

1 lethal force.

2 Q. Right. And lethal force can be
3 used to stop a lethal threat, right?

4 A. Yes, sir.

5 Q. So at the point where Nicolas
6 Dyksma is removed from the vehicle and he is
7 placed on the ground and handcuffed and there is
8 one, two, three, four officers over him, at that
9 point you would agree he is not a lethal force,
10 right?

11 A. Absolutely.

12 Q. He is not a lethal threat at that
13 point, is he?

14 A. No, sir, he is not.

15 Q. So if somebody had, say, pulled out
16 a gun and shot him in the head, obviously you
17 would frown on that, wouldn't you, if it happened
18 at that point in time?

19 A. Yes, sir.

20 Q. And somebody took out an ASP baton
21 and beat him in the head with it, you would not
22 condone that either, would you?

23 A. No, sir.

24 Q. And if somebody took their belt off
25 and wrapped it around his neck and strangled him,

1 you would not approve of that, would you?

2 A. No, sir.

3 Q. What if somebody did a chokehold on
4 him? Would that be allowed?

5 MR. WILLIAMS: Object to the form.

6 THE WITNESS: No, sir.

7 BY MR. JONES:

8 Q. And what is your understanding as
9 to what a chokehold is?

10 A. My understanding of a chokehold
11 would -- someone would put their arm around his
12 neck and cut off oxygen to the -- to him to where
13 he could not breathe, until his oxygen to his
14 brain is cut off.

15 Q. Okay. And is that the only -- so
16 with a chokehold do you understand that that is
17 where you basically put a forearm around
18 somebody's neck or some other pressure on it?

19 A. Or some other form to cut off the
20 oxygen to his brain.

21 Q. And they could also put a
22 nightstick or something on it and that would be
23 the same thing, wouldn't it?

24 A. Yes, sir, that would be one form.

25 Q. Have you every heard of something

1 called compressional asphyxia?

2 A. Not in my training, no, sir.

3 Q. Not in your training. Are you
4 familiar with the concept just from your 30 years
5 of experience in law enforcement?

6 A. I have heard of the concept, yes,
7 sir.

8 Q. And what is your understanding as
9 to what it is, what it means?

10 A. The concept would be to cut off
11 oxygen to the body by pressure.

12 Q. So, like, if you -- let's say if
13 you stood on somebody's neck or chest in such a
14 way as to put pressure on the airway, that could
15 cause them to die from compressional asphyxia,
16 wouldn't it?

17 MR. WILLIAMS: Object to the form.

18 BY MR. JONES:

19 Q. Is that your understanding?

20 A. It could have a possibility of
21 doing that, yes, sir.

22 Q. Okay. Why is it that you believe
23 that it was proper for Nicolas Dyksma to put --
24 I'm sorry, for Deputy Pierson to put pressure on
25 Nicholas Dyksma the way he did in the video?

1 A. I am not sure I understand the
2 question.

3 Q. Okay. You saw the video and you
4 saw him put his knee down and you said that it
5 was either his neck or his shoulder, somewhere in
6 the upper torso area, right?

7 A. Yes, sir.

8 Q. And don't you believe having viewed
9 the video and knowing how things turned out,
10 don't you believe that that was an improper use
11 of pressure by Deputy Pierson?

12 A. At that time of the incident, not
13 knowing how the things were going to turn out,
14 placing him in restraints was the primary concern
15 and getting the situation under control and that
16 is what they were doing.

17 Q. Well, I am asking you specifically
18 about Pierson right now. Having had time to
19 study the incident more carefully and having
20 learned a little bit more about Deputy Pierson
21 since then, do you have any criticisms now about
22 the way Deputy Pierson handled himself in this
23 situation maybe that you did not have when you
24 viewed it initially?

25 A. No, sir, because I looked at the

1 situation as it was at that time, not as it is
2 now.

3 Q. Okay. Well, do you believe that
4 Deputy Pierson was unaware that his actions could
5 be lethal?

6 MR. WILLIAMS: Object to the form.

7 THE WITNESS: I am not sure I
8 understand your question. If you can, state
9 it again.

10 BY MR. JONES:

11 Q. Do you believe that Deputy Pierson,
12 when he put his knee on Nicholas Dyksma, do you
13 believe that he did so not knowing that that
14 could kill him?

15 MR. WILLIAMS: Object to the form.

16 THE WITNESS: I believe Deputy
17 Pierson put his knee on him at the time to
18 control him while the handcuffs were being
19 placed on him and that was the sole purpose.

20 BY MR. JONES:

21 Q. Well, do you have any reason to
22 believe that Deputy Pierson knew that doing so
23 could have fatal consequences?

24 A. No. No, sir.

25 Q. Do you believe that he was trying

1 in good faith to restrain someone and did not
2 realize that it could cause compressional
3 asphyxia?

4 MR. WILLIAMS: Object to the form.

5 THE WITNESS: I am not sure it did
6 cause it.

7 BY MR. JONES:

8 Q. Okay. Well, assuming that it did,
9 assume that the former state medical examiner
10 testified that it did, and assuming that that is
11 one of the factors indicated by the autopsy
12 report, I guess what I am asking is, do you think
13 that Deputy Pierson meant to kill him?

14 A. I can assure you that that did not
15 happen.

16 Q. Okay.

17 A. No deputy of mine would go out to
18 make an arrest with that in their mind, whether
19 it was Pierson or any other deputy.

20 Q. I understand.

21 A. Okay.

22 Q. And if I had asked you a year ago
23 you would say that no deputy would make a traffic
24 stop thinking that he was being able to swap --
25 you know, give somebody a break in exchange for

1 sexual favors too, would you?

2 MR. WILLIAMS: Object to the form.

3 BY MR. JONES:

4 Q. You would not have thought Deputy
5 Pierson was capable of anything like that, would
6 you?

7 MR. WILLIAMS: Object to the form.

8 THE WITNESS: I don't even -- I
9 don't know what you are wanting me to answer
10 on that. I mean --

11 BY MR. JONES:

12 Q. I guess I want you to tell me what
13 you truly feel. I mean, when you say that no
14 deputy of yours would intentionally kill
15 somebody, would any deputy of yours intentionally
16 rape somebody or sexually assault somebody?

17 A. No, sir, they would not.

18 Q. Do you believe that -- so I am
19 going to make it clear here. As I understand it
20 from your review of the situation you believe
21 that Deputy Pierson was not intentionally using
22 deadly force?

23 A. Correct.

24 Q. He was just -- he was intentionally
25 using some level of force that may have

1 unintentionally caused death --

2 MR. WILLIAMS: Object to the form.

3 BY MR. JONES:

4 Q. -- or contributed to death?

5 MR. WILLIAMS: Object to the form.

6 THE WITNESS: I am not sure if the
7 force that was used caused the death. I am
8 not sure what caused his death. I am not a
9 medical examiner.

10 BY MR. JONES:

11 Q. Okay. Well, I guess what I am
12 getting at is -- well, let me ask you to describe
13 what you saw Deputy Pierson doing on the video to
14 Nicholas Dyksma.

15 A. I saw Deputy Pierson assist other
16 deputies extract an individual from a vehicle
17 that was being used. And during the extraction
18 and being placed in handcuffs, I saw him
19 assisting that. And then during that extraction
20 and placing him in handcuffs, I saw the
21 individual go into a medical emergency need.

22 Q. Okay. And so do you recall that it
23 was after -- after Dyksma was handcuffed was
24 when -- that that is when Deputy Pierson put his
25 knee on him?

1 MR. WILLIAMS: Object to the form.

2 THE WITNESS: Say it one more time.

3 BY MR. JONES:

4 Q. Do you agree that Deputy Pierson
5 did not put his knee on Mr. Dyksma until
6 Mr. Dyksma was on the ground and handcuffed?

7 MR. WILLIAMS: Object to the form.

8 THE WITNESS: Being placed in
9 handcuffs.

10 BY MR. JONES:

11 Q. So you believe that it was during
12 the course of the handcuffs?

13 A. Yes, sir.

14 Q. And did you notice whether he
15 continued to apply pressure to Nicholas Dyksma's
16 upper torso after the handcuffs were on?

17 A. It's my recollection of the video
18 that right after the handcuffs were placed on or
19 immediately thereafter, all resistance -- all my
20 deputies ceased that type of action while the --
21 once the handcuffs were placed on.

22 Q. Well, do you recall that Deputy
23 Pierson at one time removed his knee and then
24 changed position and then put his knee back on
25 again?

1 A. Yes, sir.

2 Q. And at that time can't you clearly
3 tell that that time the knee is on the neck?

4 A. The neck area, but I think that it
5 was also on the shoulder area.

6 Q. Okay. So the neck and the
7 shoulder?

8 A. Yes, sir.

9 Q. As far as the asphyxia -- the
10 compressional asphyxia goes, are you -- have you
11 heard of incidents where people have died from
12 compressional asphyxia because pressure was put
13 on their chest -- chest or back?

14 A. I have heard some studies show
15 that, but I don't think it has been totally
16 confirmed on the studies that that's a total
17 realization.

18 Q. Have you heard that just the sheer
19 body weight of multiple people on someone's body
20 could be sufficient to compress their airway so
21 that they could stop breathing?

22 A. There are some studies that show
23 that and there are some studies that show there
24 is not.

25 Q. I take it that you -- from your --

1 from the statement that was on the news that I
2 asked you about and from your testimony today, I
3 take it that none of the officers involved in
4 this incident were disciplined in connection with
5 the incident in any way?

6 A. That's true.

7 Q. If it appeared to the other
8 officers, these three gentlemen sitting here, if
9 it appeared to them that Deputy Pierson was doing
10 something that would cause this young man to die
11 or potentially cause him to die, do you think
12 that they would have had a duty to step in and
13 say, okay, that is enough; he is under control
14 now?

15 MR. WILLIAMS: Object to the form.

16 THE WITNESS: Absolutely. Yes,
17 sir, absolutely.

18 BY MR. JONES:

19 Q. I remember back when I was in high
20 school one time and there was a big football
21 player beating up his girlfriend in the parking
22 lot. And all the other jocks, myself included,
23 just sat around with our thumbs up our butt and
24 did not do anything. And there has not been a
25 month that has gone by in the last 40 years where

1 I don't think about that where I think I should
2 have stepped in and done something.

3 A. You should have.

4 Q. And now I am 40 years older and I
5 guarantee that I would have done something, but
6 you being 40 years older than some of these boys
7 here, do you think that they should have done
8 anything to stop or slow down Pierson in this
9 incident?

10 A. No, sir, I think that this incident
11 was handled appropriately.

12 Q. Do you have any opinion as to
13 whether these officers were aware that Deputy
14 Pierson was putting potentially lethal pressure
15 on Nicholas Dyksma's torso? Whether Pierson was
16 aware of it or not, do you think that they were
17 in a position to see what Pierson was doing to
18 Dyksma?

19 A. I think that they were in a
20 position to see what was going on around them the
21 best they could. By the way that the situation
22 was going, it was rapidly going on and it was
23 only a matter of seconds that both incidents took
24 place. They -- none of my staff have received
25 training on the -- the medical term that you are

1 talking about --

2 Q. Right.

3 A. -- so I am not sure if they even
4 are aware of the phrase you are talking about.
5 And if they are, it's just by something that they
6 may have read on their own.

7 Q. Do you -- go ahead --

8 A. Well, I just don't -- I don't think
9 that anything that they would have saw would have
10 given them reason or concern.

11 Q. Are you familiar with the phrase
12 positional asphyxia?

13 A. I have heard the phrase, yes, sir.

14 Q. And have you ever heard of -- you
15 have heard of hog-tying a suspect?

16 A. Yes, sir.

17 Q. Have you ever heard that the
18 position that someone is placed in when they are
19 hog-tied, that that can obstruct their breathing
20 and cause them to die from positional asphyxia?

21 A. I have seen some studies that show
22 that. But, again, the verdict is still out on
23 whether that is accurate or not.

24 Q. Well, if there is any question
25 about it, I mean, do you have a policy one way or

1 the other as to whether you allow suspects to be
2 hog-tied?

3 A. We don't have a policy, per se, but
4 we don't do it.

5 Q. And why do you not do it?

6 A. Just to be on the safe side.

7 Q. And what do you have -- do you
8 have -- what do you have in the way of a policy
9 or an expectation as far as your officers using
10 choke holds?

11 A. I would have to look at my policy
12 to make sure, so I -- we don't use choke holds,
13 to my knowledge.

14 Q. I guess if someone is grabbing an
15 officer's gun or something like that in a
16 situation like that where they potentially are a
17 deadly threat, and the only thing that can be
18 done is to grab the guy by the neck, you know,
19 try to -- try to break his hold or whatever or
20 kill him, if necessary, if he is grabbing a gun,
21 in a situation like that, I guess a chokehold
22 would technically be okay, right?

23 A. Well, I am not going to go into a
24 situation that I can't be sure what you are
25 talking about, less than deadly force --

1 Q. Right.

2 A. -- and then the next would be
3 deadly force.

4 Q. Yeah.

5 A. So whether you use a chokehold or
6 whether you use a gun, deadly force is deadly
7 force.

8 Q. I got you. And I think that that
9 is getting at what I was trying to get at, which
10 is if -- if you don't have a policy against choke
11 holds, per se, you can -- you can imagine certain
12 situations where a chokehold as a form of lethal
13 force might be appropriate, right?

14 A. I'm not really sure of your
15 question. If you are saying could a chokehold be
16 used as a deadly force, the answer is yes.

17 Q. Yes. And as long as it's
18 justified --

19 A. (Witness moves head up and down.)

20 Q. -- right?

21 A. If you are saying -- yes, deadly
22 force is deadly force.

23 Q. And I understand -- right, so you
24 would consider a chokehold deadly force, right?

25 MR. WILLIAMS: Object to the form.

1 THE WITNESS: If it kills you, yes,
2 it would be deadly force.

3 BY MR. JONES:

4 Q. Right. And I guess if it has the
5 potential to kill you or is likely to kill you,
6 it would also be considered deadly force, right?

7 MR. WILLIAMS: Object to the form.

8 THE WITNESS: No, sir, I would not
9 agree with that.

10 BY MR. JONES:

11 Q. I mean if you shoot somebody in the
12 leg or shoot them in the arm, is that deadly
13 force?

14 A. A weapon is considered deadly
15 force, yes.

16 Q. Are you aware that some departments
17 have policies where they don't allow choke holds
18 at all?

19 A. I would assume if you say so. I
20 don't get into other policies or other
21 departments.

22 Q. Do you know the policy of your
23 department as far as lethal force goes?

24 A. I would like to say that I could
25 quote it right now, but I would be not truthful

1 if I said that.

2 Q. Okay. I read in the paper, I guess
3 about a year ago, you were in a situation where
4 you hit a suspect that was running away from
5 officers. You hit them in your car.

6 MR. WILLIAMS: Object to the form.

7 THE WITNESS: I was on my way back
8 from the beach and someone run out in front
9 of me and I hit them. I did not hit the
10 suspect. The State Patrol was chasing
11 somebody.

12 BY MR. JONES:

13 Q. And that is what I am trying to get
14 at because the newspaper article was not really
15 clear.

16 A. I was a victim.

17 Q. And so what I wanted to ask you,
18 was that an accident or was that a use of force
19 where you were trying --

20 A. That was an accident.

21 Q. So you were not trying to help the
22 State Patrol stop the guy or anything?

23 A. I was a victim.

24 Q. And the guy that ran out in front
25 of you, I guess, ended up being a victim of his

1 own negligence?

2 A. If I could have found you as a
3 lawyer I might have used you to sue the family.

4 Q. What did he do to your car?

5 A. \$20,000 worth of damage, and my
6 wife is still having trouble.

7 Q. Who is your lawyer?

8 A. Well, I did not sue. I do not
9 believe in it.

10 MR. JONES: Give me just a minute
11 to look over my notes here.

12 (Recess.)

13 BY MR. JONES:

14 Q. Is it your opinion that Deputy
15 Pierson did not know that what he was doing was
16 dangerous, or is it your opinion that you don't
17 know one way or the other whether he knew?

18 A. I can't tell you what Deputy
19 Pierson was thinking at the time. He knew that
20 he was in a dangerous situation.

21 Q. You don't question that he was
22 putting his knee on Dyksma on purpose, do you?
23 He was doing it on purpose. You just don't think
24 that he appreciated any significant danger from
25 that. Is that a fair statement?

1 A. I think that he was just assisting
2 in making the arrest in the most quickest and
3 most efficient way possible.

4 Q. Did you ever talk to him personally
5 about it?

6 A. No, sir.

7 Q. Do you know anybody that did talk
8 to him personally about it?

9 A. I think the GBI interviewed them
10 all.

11 MR. JONES: Yeah. I have not seen
12 that investigation. I don't know if you
13 have.

14 Has it been released yet?

15 MR. WILLIAMS: Yes.

16 MR. JONES: Have you produced it to
17 me?

18 MR. WILLIAMS: I don't know if we
19 got it after your discovery or not.

20 MR. JONES: Yeah, I don't think
21 that I have seen it yet.

22 MR. WILLIAMS: It's obtainable from
23 the GBI.

24 MR. JONES: Okay. I will just have
25 to follow up and get it.

1 MR. WILLIAMS: I did not have it --
2 we just got it fairly recently.

3 MR. JONES: Right.

4 BY MR. JONES:

5 Q. Other than just reading statements
6 and reading reports, has anybody ever -- anybody
7 ever told you that they talked to Pierson and
8 specifically talked to him about this incident?

9 A. No, sir, I was told that all the
10 people involved were interviewed and I saw the
11 tapes.

12 Q. And I need to take his deposition
13 at some point about this case. Is he still in
14 your facility?

15 A. He has been in Coweta
16 County.

17 Q. They are keeping him over there?

18 A. Yes, sir.

19 Q. Do you have any idea how long he
20 would be there before he would be shipped out?

21 A. I think sentencing is October 19th.

22 Q. October 19th?

23 A. Yeah. And then after that --

24 Q. And then they usually don't pick
25 them up right away, do they?

1 A. Whenever the state calls for them
2 if he gets sentenced to time obviously?

3 Q. Right, I understand that.

4 MR. JONES: So we ought to try to
5 do it before October 19th if we can.

6 MR. WILLIAMS: Probably because
7 they sometimes get them within days or
8 sometimes within weeks.

9 BY MR. JONES:

10 Q. And then if he does go in and go
11 down to Jackson for six weeks or so then he might
12 end up down in south Georgia someplace.

13 MR. WILLIAMS: We would not want
14 him in south Georgia.

15 MR. JONES: I hope not.

16 THE WITNESS: Probably coastal, if
17 I had to guess.

18 BY MR. JONES:

19 Q. Savannah? Well, that ain't a bad
20 trip. Maybe we ought to just wait.

21 They got a transitional center
22 there too?

23 A. Yeah. He will be in Jackson
24 probably about nine weeks.

25 Q. They got a backlog?

1 A. Well, they just normally take that
2 long.

3 Q. It takes nine weeks to figure out
4 what level of a threat somebody is?

5 A. Well, they do health screenings and
6 everything.

7 Q. Yeah. I am sure he will be
8 minimal.

9 A. But they will put him in a safety.

10 Q. Yeah. Put him somewhere where
11 nobody that he arrested --

12 A. If he gets time. He may not get
13 time.

14 Q. Right, he may get probation --

15 A. He may get probation.

16 Q. -- or a lot of community service?

17 A. I doubt if he gets community
18 service.

19 Q. Going out and giving talks to
20 school kids?

21 A. I doubt that. It ain't nothing to
22 do with school kids.

23 Q. Are you going to testify at his
24 sentencing?

25 A. Probably not.

1 Q. Nobody has asked you to?

2 A. Nobody has asked me to.

3 Q. You don't have any opinion as far
4 as what you think would be appropriate?

5 A. (Witness moved head from side to
6 side.)

7 Q. I am not asking you if you agree
8 with the verdict. I am just asking you based on
9 the verdict what do you think would be
10 appropriate?

11 A. No, sir.

12 MR. JONES: Let me go ahead and let
13 some of these other guys talk. I appreciate
14 your time.

15 THE WITNESS: Yes, sir.

16 MR. JONES: Thank you.

17 (Deposition adjourned at 11:34 a.m.)
18
19
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DISCLOSURE

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia which states: Each court reporter shall tender a disclosure form at the time of the taking of the deposition stating the arrangements made for the reporting services of the certified court reporter, by the certified court reporter, the court reporter's employer or the referral source for the deposition, with any party to the litigation, counsel to the parties, or other entity. Such form shall be attached to the deposition transcript, I make the following disclosure: I am a Georgia Certified Court Reporter. I am here as a representative of Discovery Litigation Services, LLC.

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10
11 *Susan DeCarlo*
12

13 M. Susan DeCarlo, Notary Public
14 and Registered Professional Reporter
15 Commission Expires 10-22-2020
16 Georgia Certificate Number 2125
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1 STATE OF GEORGIA:

2 COUNTY OF FULTON:

3
4 I hereby certify that the foregoing
5 transcript was reported, as stated in the
6 caption, and the questions and answers thereto
7 were reduced to typewriting under my direction;
8 that the foregoing pages represent a true,
9 complete, and correct transcript of the evidence
10 given upon said hearing, and I further certify
11 that I am not of kin or counsel to the parties in
12 the case; am not in the employ of counsel for any
13 of said parties; nor am I in any way interested
14 in the result of said case.

15
16 *Susan DeCarlo*
17

18 M. Susan DeCarlo, Notary Public
19 and Registered Professional Reporter
20 Commission Expires 10-22-2020
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22
23
24
25

CAPTION

The Deposition of ROBERT MICHAEL JOLLEY,
taken in the matter, on the date, and at the time
and place set out on the title page hereof.

It was requested that the deposition be
taken by the reporter and that same be reduced to
typewritten form.

It was agreed by and between counsel and the
parties that the Deponent will read and sign the
transcript of said deposition.

1 DEPOSITION ERRATA SHEET

2 Assignment No. 36959

3 Case Caption: GREG DYKSMA, et al.

4 vs. DEPUTY TOMMY PIERSON, et al.

5 Witness: ROBERT MICHAEL JOLLEY - 09/26/2017

6 DECLARATION UNDER PENALTY OF PERJURY

7 I declare under penalty of perjury
8 that I have read the entire transcript of
9 my Deposition taken in the captioned matter
10 or the same has been read to me, and
11 the same is true and accurate, save and
12 except for changes and/or corrections, if
13 any, as indicated by me on the DEPOSITION
14 ERRATA SHEET hereof, with the understanding
15 that I offer these changes as if still under
16 oath.

17 Signed on the _____ day of

18 _____, 20__.

19 _____
20 ROBERT MICHAEL JOLLEY

21 Sworn to and subscribed before me this _____ day
22 of _____, 20__.

23 _____
24 Notary Public

25 My commission expires _____

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GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.
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